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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,658	08/15/2000	Michael R. Hansen	WEYE115753	1795

26389 7590 04/10/2002

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/10/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,658

Applicant(s)

HANSEN ET AL.

Examiner

Tan Dean Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 55-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 55-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14. 6) ☐ Other:

DETAILED ACTION

Request For Continued Examination

1. The request filed on 1/29/02 for a Request For Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/639,658 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

The amendment filed 1/29/02 has been entered.

Information Disclosure Statement

The IDS filed 1/29/02 has been received and recorded.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 55-77 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over INSLEY (US Patent 4,813,948).

Insley '948 discloses a method of binding super-absorbent particles to cellulose fibers comprising the steps of: (a) providing binder-containing fiber comprising hydrogen bonding functional sites, natural fibers such as wood pulp fibers or staple fibers (cotton) or synthetic fibers, and a binder comprising a non-polymeric binder having functional groups selected from the group consisting of a hydroxyl, sub-specie diol, such as polyols, glycerol, or glycol, (b) combining super-absorbent particles having a hydrogen or a coordinate covalent bonding functional site with the binder-containing fiber; and (c) binding the particles to the binder-containing fiber (cols. 3-4, 5-6, 7-8, 9-11).

Alternatively, the use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

As for claims 56-77, they are taught in cols. 3-11. Alternatively, the adjustment of the compositions of the components would have been obvious to meet certain particular use or product because this is taught in cols. 7, 8, 9-11. The use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

3. Claims 55-77 are rejected (2nd) under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over INSLEY (US Patent 4,755,178).

Insley '178 discloses a method of binding super-absorbent particles to cellulose fibers comprising the steps of: (a) providing binder-containing fiber comprising hydrogen bonding functional sites, natural fibers such as cotton or synthetic fibers, and a binder comprising a non-polymeric binder having functional groups selected from the group consisting of a hydroxyl, sub-specie diol, such as polyols, glycerol, or glycol, (b) combining super-absorbent particles having a hydrogen or a coordinate covalent bonding functional site with the binder-containing fiber; and (c) binding the particles to the binder-containing fiber (cols. 5-6, 7-8, esp. col. 6, line 34). Alternatively, the use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

As for claims 56-77, they are taught in cols. 3-11. Alternatively, the adjustment of the compositions of the components would have been obvious to meet certain particular use or product because this is taught in cols. 5-8. The use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

4. Claims 55-77 are rejected (3rd) under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kellenberger '335 (US Patent 5,149,335).

Kellenberger '335 discloses a method of binding super-absorbent particles to cellulose fibers comprising the steps of: (a) providing binder-containing cellulosic fibers comprising hydrogen bonding functional sites, and a binder comprising a non-polymeric binder having functional groups selected from the group consisting of a hydroxyl, sub-

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specie diol, such as polyols, glycerol, or glycol, (b) combining super-absorbent particles having a hydrogen or a coordinate covalent bonding functional site with the binder-containing fiber; and (c) binding the particles to the binder-containing fiber (cols. 4-12). Alternatively, the use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

As for claims 56-77, they are taught in cols. 4-12. Alternatively, the adjustment of the compositions of the components would have been obvious to meet certain particular use or product because this is taught in cols. 4-12. The use of other equivalent fibers or hydroxyl sub-specie or absorbent particle would have been obvious to a skilled artisan as mere using similar component to achieve similar result.

Response to Arguments

5. Applicant's arguments filed 1/29/02 have been fully considered but they are not persuasive.

6. Applicant's comment that Insley '948 fails to teach cellulose fiber is not persuasive in view of col. 3, lines 45-50 which discloses the use of various fibers including wood pulp fiber, staple fibers both of which contain cellulose fibers.

No claims are allowed.

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1. When filing a FAX in Group 1300, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean T. Nguyen whose telephone no. is (703) 308--2053. The examiner can normally be reached on Monday-Friday @ 7:00-4:00 PM (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman, can be reached on (703) 308-3837. The fax phone number for this group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose tel. No. is (703) 308-0651.

dtn
April 8, 2002


DEAN T. NGUYEN
PRIMARY EXAMINER

cotton: Staple fibers, surrounding the seeds of various species of *Gossypium*. Both Egyptian and Sea

Island cotton have unusually long staple (about 2 inches). Cotton is the major textile fiber and an important source of cellulose, which constitutes 88-96% of the fiber. So-called "absorbent cotton" is almost pure cellulose.

Properties: Tenacity, 3 to 6 g per denier (dry), 4 to 8 g per denier (wet); elongation 3-7%; sp. gr. 1.54; moisture regain 7% (21°C, 65% relative humidity); yellows slowly at 121°C, decomposes about 148°C, low permanent set; decomposed by acids; swells in caustic but is undamaged. Soluble in cuprammonium hydroxide. Subject to mildew. May be dyed by direct, vat, azoic, sulfur, and basic dyes. Combustible.

Sources: United States; Brazil; Egypt; India.

Hazard: Moderately toxic and flammable in the form of dust or lint; fiber ignites readily. Exposure of workers in textile mills may cause "brown lung." Tolerance (dust), 0.2 mg per cubic meter of air.

Uses: Apparel; industrial and household fabrics; upholstery; medicine; thread.

Shipping regulations: (waste with more than 5% oil) (Rail) Flammable Solid label. Not acceptable passenger. (Air) Not acceptable.

See also cellulose.